

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 25-MJ-4029

Wilson Oswaldo Galvan-Lopez

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about March 25, 2025, in the Western District of New York, the defendant, **WILSON OSWALDO GALVAN-LOPEZ**, an alien, who had previously been denied admission, excluded, deported, and removed from the United States, on or about May 31, 2023, was found in the United States of America, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for Homeland Security, to reapply for admission to the United States.

**In violation of Title 8, United States Code, Section 1326.**

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

  
Complainant's Signature

Task Force Officer Mark E. Jann  
Printed name and title

Affidavit submitted by email/pdf and attested to me as true and accurate by telephone consistent with Fed.R.Crim. P. 4.1 and 4(d) before me this 1st day of April, 2025.

Date: April 1, 2025

  
Judge's signature

City and State: Rochester, New York

Hon. Colleen D. Holland, U.S. Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss.:  
CITY OF ROCHESTER )

**MARK E. JANN**, being duly sworn, deposes and states:

1. I am an Enforcement Officer with United States Customs and Border Protection ("CBP") currently assigned as a Task Force Officer with Homeland Security Investigations ("HSI") within the Department of Homeland Security ("DHS") and have been so employed in immigration law enforcement for the past twenty-eight years. In such capacity, my duties include investigating individuals suspected of violating federal immigration laws and other related federal statutes.

2. As part of my current duties, I have investigated violations of the Immigration and Nationality Act and violations of the United States Code, in particular, Title 8, United States Code, Section 1326 (Re-entry of Removed Aliens).

3. I make this affidavit in support of a criminal complaint charging WILSON OSWALDO GALVAN-LOPEZ, an alien, born in 1999 in Guatemala, and currently a citizen of Guatemala, with violating Title 8 United States Code, Section 1326(a) (Re-entry of Removed Aliens).

4. The statements contained in this affidavit are based upon my personal knowledge and upon information provided to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that GALVAN-LOPEZ did knowingly violate Title 8 United States Code, Section 1326(a).

**PROBABLE CAUSE**

5. On or about March 25, 2025, HSI Special Agent Richard Smith and HSI Special Agent Thomas Webb were conducting surveillance on a house located at 396 Orange Street in Rochester, New York. The target of the surveillance was an illegal alien and under investigation for being a found in the United States after being deported, pursuant to Title 8 United States Code 1326(a).

6. Special Agents Smith and Webb observed a red work truck exiting the residence's driveway and noticed that the driver appeared to resemble of the photograph of the target of the investigation. Special Agents Smith and Webb activated the emergency lights and conducted an investigative vehicle stop near the intersection of Whitney Street and Lyell Avenue.

7. Through routine questioning of identity documents and querying routine record checks, Special Agents Smith and Webb learned that three people in the vehicle had no immigration status in the United States. All three people were taken into immigration custody and turned over to Enforcement and Removal Officers ("ERO") for processing at the Buffalo Federal Detention Facility in Batavia, New York.

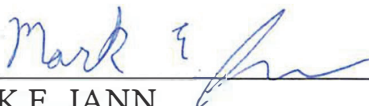
8. EROs entered GALVAN-LOPEZ's fingerprints into the Interagency Fingerprint Identification System ("IAFIS") database to verify his identity and any immigration history in the United States. This scan resulted in an identical fingerprint match to an FBI and Alien File number.

9. Immigration record checks regarding this Alien File number revealed that GALVAN-LOPEZ was served an Expedite Removal Order on May 13, 2023, after being apprehended by United States Border Patrol at Wilcox, Arizona, after illegally entering the

United States. GALVAN-LOPEZ was removed to Guatemala by airplane, departing from Phoenix, Arizona, on May 31, 2023.

10. A review of electronic immigration benefit records and a review GALVAN-LOPEZ's Alien File number failed to reveal that GALVAN-LOPEZ had applied for or received requisite permission from the Attorney General or the Secretary for the Department of Homeland Security to reenter the United States.

11. Wherefore, I respectfully submit that the foregoing facts establish probable cause to believe that on or about March 25, 2025, WILSON OSWALDO GALVAN-LOPEZ, an alien, was found in the United States after having been previously deported or removed from the United States, without the requisite permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security, in violation of Title 8, United States Code Section 1326(a).

  
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MARK E. JANN  
Task Force Officer  
Homeland Security Investigations

Affidavit submitted electronically by  
email in .pdf format. Oath administered  
and contents and signature attested to  
me as true and accurate telephonically  
pursuant to Fed. R. Crim. P. 4.1 and  
4(d)  
on this 1st day of April, 2025.

  
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HON. COLLEEN D. HOLLAND  
UNITED STATES MAGISTRATE JUDGE